

SERO Protected Resources Division Briefing Document June 2019 SAFMC Meeting

Endangered Species Act (ESA) Listing Actions and Other Rulemaking

Sea Turtle Conservation and Recovery Actions in Relation to the Southeastern United States Shrimp Fishery [No Change]

- On December 16, 2016, NOAA Fisheries published a proposed rule that, if implemented, would require all shrimp trawlers using skimmer trawls, pusher-head trawls, and wing nets to use TEDs designed to exclude small turtles in their nets.
- The Final Rule is under review

ESA Section 7-Related Actions and News

FMP Consultations [No change]

- Section 7 consultations on SA and Joint SA/Gulf of Mexico FMPs (Wahoo, Spiny Lobster FMPs) have been reinitiated to address newly listed species/DPSs. With multiple SERO fisheries consultations reinitiated in the Southeast to address recent revised/new listings (e.g., Oceanic whitetip, Giant Manta Rays); consultation timelines are extended.

NMFS SEFSC Sea Turtle Release Protocol Tech Memo [New]

- This tech memo was published April 2019: National Marine Fisheries Service Southeast Fisheries Science Center. Stokes, L., and Bergmann, C. (editors). 2019. Careful release protocols for sea turtle release with minimal injury. NOAA Technical Memorandum NMFS-SEFSC-735, 74 pp.

Marine Mammal Protection Act (MMPA) Actions and News

Final Rule for the 2019 MMPA List of Fisheries [New]

- The Final Rule for the 2019 MMPA List of Fisheries published in the Federal Register on May 16, 2019; there were no classification changes to SAFMC fisheries.
- The MMPA requires that NMFS evaluate U.S. fisheries annually and classify each as Category I, Category II, or Category III based on the extent of mortality or serious injury of marine mammals caused by each fishery.
- Category I and II fisheries are required to register with NMFS to lawfully incidentally take marine mammals, carry observers if requested by NMFS, and may be subject to a Take Reduction Plan.

Atlantic Large Whale Take Reduction Team [Update]

- The Team met April 23-26, 2019 in Providence RI to identify and recommend modifications to the ALWTRP to further reduce impacts of U.S. fixed gear fisheries on large whales and reduce mortality and serious injury to below PBR for critically endangered right whales. The Team was able to reach nearly unanimous consensus on a package of measures that would achieve at least a 60 percent serious injury and mortality reduction goal in each of the lobster management areas. The measures included 60% reduction in vertical buoy lines in each Lobster Management Area (LMA1-3) as well as “weak” rope gear modifications. Additionally, an expansion of gear marking to create larger and more frequent marks on U.S. trap/pot fishery buoy lines throughout U.S. East Coast waters was supported by most Team members.

North Atlantic Right Whale Unusual Mortality Event (UME) [Update]

- Elevated North Atlantic right whale mortalities began in 2017, primarily in Canada, and were declared a UME. Since June 7, 2017, elevated North Atlantic right mortalities have been documented, primarily in Canada and were declared an [Unusual Mortality Event](#). In 2017, there was a total of 17 confirmed dead stranded whales (12 in Canada; 5 in the United States). In 2018, three whales stranded in the United States. **No whales have yet stranded in 2019**. Thus total mortalities for the UME remain at 20 dead stranded whales (12 in Canada; 8 in the United States). More information on this UME is provided at: <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2018-north-atlantic-right-whale-unusual-mortality-event>.
- The most recent North Atlantic right whale population estimate is about 458 whales, which is up from around 270 in 1990, but has shown a consistent decline since the 2010 estimate of 483.

Humpback Whale UME [No change]

- Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida.
- A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is not consistent across all of the whales examined, so more research is needed.
- As part of the UME investigation process, NOAA assembled an independent team of scientist to coordinate with the Working Group on Marine Mammal UMEs to review the data collected, sample stranded whales, and determine the next steps for the investigation.

Minke Whale UME [No change]

- Since January 2017, elevated minke whale mortalities have occurred along the Atlantic coast from Maine through South Carolina. While minke whales are protected under the MMPA, the species is not listed as endangered or threatened under the ESA.
- A portion of the whales have shown evidence of pre-mortem vessel strike; however, this finding is not consistent across all of the whales examined, so more research is needed.
- As part of the UME investigation process, NOAA is assembling an independent team of scientist to coordinate with the Working Group on Marine Mammal UMEs to review the data collected, sample stranded whales, and determine the next steps for the investigation.

Pelagic Longline Take Reduction Plan Proposed Rule Development [No change]

- SERO is working on a proposed rule to update regulatory and non-regulatory requirements of the Pelagic Longline Take Reduction Plan based on consensus recommendations from the Pelagic Longline Take Reduction Team after meetings in December 2015 and September and October 2016 (recommendations can be found in the Key Outcomes Memorandums at <http://www.nmfs.noaa.gov/pr/interactions/trt/pl-trt.html>). The rule is still in development

Bottlenose Dolphin Take Reduction Plan [No change]

- The Bottlenose Dolphin Take Reduction Team (Team) was convened for an in-person meeting on December 5-7, 2017, to discuss modified or additional conservation measures to reduce gillnet bycatch of bottlenose dolphin estuarine stocks in North Carolina to levels required by the MMPA. The Team provided NOAA Fisheries with consensus recommendations for additional conservation measures, particularly related to North Carolina gillnet fisheries. A proposed rule is in development